

AMENDED IN ASSEMBLY JANUARY 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 896

Introduced by Assembly Member Eggman

February 22, 2013

An act to add Section 1506 to the Fish and Game Code, relating to wildlife management.

LEGISLATIVE COUNSEL'S DIGEST

AB 896, as amended, Eggman. Wildlife management areas: mosquito abatement.

(1) Existing law provides for the formation of mosquito abatement and vector control districts, and prescribes the powers, functions, and duties of those districts, as specified. The existing Fish and Game Code authorizes the Department of Fish and Wildlife to take specified actions to protect, restore, rehabilitate, and improve fish and wildlife habitat.

Statutory provisions that were repealed on January 1, 2010, required a mosquito abatement and vector control district whose boundaries include one or more wildlife management areas to periodically, or at least semiannually, notify the department of those areas that exceed locally established mosquito population thresholds and associated mosquito control costs. These provisions required the department to take specified actions with regard to the control and abatement of mosquitos in those wildlife management areas. These provisions required those mosquito abatement and vector control districts, in consultation with the department, to develop standardized monitoring procedures for mosquito surveillance, as prescribed, for each managed wetland habitat at each wildlife management area, and to provide an

annual report to the department of pesticide use in those habitats and areas, as specified.

This bill would permanently reenact *certain of* those provisions. ~~This bill would require the department to prioritize, for funding, wildlife management areas that exceed locally established mosquito population thresholds based on specified factors.~~ The bill would also make nonsubstantive conforming changes. By imposing new duties on local agencies with regard to mosquito control and abatement practices in wildlife habitat areas, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1506 is added to the Fish and Game Code,
- 2 to read:
- 3 1506. (a) (1) It is the intent of the Legislature to control
- 4 mosquito production on managed wetland habitat that is owned
- 5 or managed by the department, in a manner that does all of the
- 6 following:
- 7 (A) Maintains or enhances the waterfowl and other wildlife
- 8 values of that habitat.
- 9 (B) Minimizes financial costs to the department and local
- 10 mosquito abatement and vector control districts.
- 11 (C) Reduces the need for chemical treatment or other
- 12 nonecological control of mosquitos.
- 13 (D) Increases coordination and communication between the
- 14 department, local mosquito abatement and vector control districts,
- 15 and the State Department of Public Health.
- 16 (E) Maintains and protects humans, domestic animals, and
- 17 wildlife from vector-borne diseases such as West Nile virus.
- 18 (2) The Legislature further finds and declares that the
- 19 implementation of mosquito prevention best management practices

on managed wetland habitat is critical to the department's effort to reduce mosquito production on its wildlife management areas.

(b) For purposes of this section, the following definitions apply:

(1) "Managed wetland habitat" means artificially irrigated and intensively managed wetland habitat administered primarily for the benefit of waterfowl and other wetland-dependent species.

(2) "Best management practices" means management strategies jointly developed by the department, the State Department of Public Health, and mosquito abatement and vector control districts, in consultation with the Central Valley Habitat Joint Venture, for the ecological control of mosquitoes on managed wetland habitat.

(3) "Wildlife management area" has the same meaning as set forth in subdivision (d) of Section 1504.

(4) "Mosquito abatement and vector control district" has the same meaning as set forth in subdivision (f) of Section 2002 of the Health and Safety Code.

(c) (1) A mosquito abatement and vector control district whose district boundaries include one or more wildlife management areas shall periodically, or at least semiannually, notify the department of those areas that exceed locally established mosquito population thresholds and associated mosquito control costs. The district shall provide the basis for the established thresholds to the department. Those thresholds and costs may be reviewed by the State Department of Public Health for conformity to generally acceptable mosquito control standards.

(2) ~~In order to~~ (A) To reduce mosquito production at those wildlife management areas described in paragraph (1), the ~~department shall do all of~~ department, in consultation with local mosquito abatement and vector control districts, shall prioritize, for funding, those wildlife management areas having the highest need for additional mosquito reduction through the implementation of best management practices taking into account the following:

(A) Identify

(i) The best management practices for each identified pursuant to Chapter 553 of the Statutes of 2004 and any subsequent changes to those practices for the applicable wildlife management area that, when implemented, would result in the mosquito population being reduced below the locally established threshold value while maintaining and enhancing the waterfowl and other wildlife values of that habitat.

~~(B) In consultation with the local mosquito abatement and vector control district, develop and implement a~~

~~(ii) The mosquito control plan developed pursuant to Chapter 553 of the Statutes of 2004, in consultation with the local mosquito abatement and vector control district, and any subsequent changes to the plan that applies the best management practices and any other necessary management practices at each the applicable wildlife management area.~~

~~(C) If capital improvements or other infrastructure are required to implement selected best management practices at a wildlife management area, the department shall work to secure any necessary funding through the board or other appropriate sources.~~

~~(D) In coordination with the local mosquito abatement and vector control district, develop each spring an annual work plan for each wildlife management area that specifies the intended management activities for each unit of the wildlife management area and that, to the extent practicable, employs best management practices.~~

~~(E) Implement the best management practices referenced in the annual work plan to the greatest extent possible, recognizing that unanticipated modifications to those plans are often necessary due to the uncertainty of water availability, water conveyance problems associated with beaver, muskrat and other animal activity, ditch, levee or pump failures, equipment breakdowns, rainfall or runoff-induced natural flooding, and other factors beyond the control of the department's wetland managers, all of which may require periodic alteration of wetland management plans.~~

~~(F) Meet with the local mosquito abatement and vector control district each summer to coordinate fall flooding of managed wetland habitat at each applicable wildlife management area and, if chemical treatment or other nonecological control is necessary, conduct post-fall flooding meetings to discuss the refinement of best management practices.~~

~~(iii) The existing resources available to the department to implement best management practices in the applicable wildlife management areas.~~

~~(G)~~

~~(B) If the wetland occupies land outside the jurisdictional boundaries of a mosquito abatement and vector control district, the department may consult with the State Department of Public~~

1 Health to determine which best management practices can be
2 implemented in the absence of an organized local mosquito control
3 program.

4 (d) A mosquito abatement and vector control district whose
5 boundaries include a wildlife management area described in
6 paragraph (1) of subdivision (c) shall do all of the following:

7 (1) In consultation with the department, develop standardized
8 monitoring procedures for mosquito surveillance for each managed
9 wetland habitat at each wildlife management area, and, when the
10 monitoring procedures are completed, provide a copy of the
11 procedures to the department. These procedures may be reviewed
12 by the State Department of Public Health for conformity to
13 generally accepted mosquito control standards.

14 (2) Conduct posttreatment monitoring of wildlife management
15 area lands and develop performance criteria to document mosquito
16 control effectiveness.

17 (3) Provide an annual report to the department specifying the
18 types and quantities of pesticides used, types of habitat sprayed,
19 and the total number of acres treated in a wildlife management
20 area. The annual report shall also include recommendations for
21 the refinement of best management practices to reduce the need
22 for any chemical treatment or other nonecological control.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 a local agency or school district has the authority to levy service
26 charges, fees, or assessments sufficient to pay for the program or
27 level of service mandated by this act, within the meaning of Section
28 17556 of the Government Code.